

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

NO. 8 MINE, LLC,

Plaintiff,

v.

THE ELJEN GROUP, LLC, et al.,

Defendants.

3:18-cv-00104-WGC

**ORDER**

Re: ECF No. 188

Before the court is the motion of Mitchell Posin, Esq., who is counsel for Plaintiff No. 8 Mine, LLC, and Counter Defendant/Third Party Defendant David Tackett, to withdraw as counsel (ECF No. 188). Counsel's motion was served on Plaintiff No. 8 Mine, LLC, and Counter Defendant/Third Party Defendant David Tackett on January 4, 2021. (ECF No. 193 at 2.) No timely response has been filed. Therefore, counsel's motion (ECF No. 188) is **GRANTED**.

Although 28 U.S.C. § 1654 allows "parties" to "plead and conduct their own cases personally," the statute has not been interpreted to allow corporate entities to do so. "Corporations and other unincorporated associations must appear in court through an attorney." *In re America W. Airlines*, 40 F.3d 1058, 1059 (9<sup>th</sup> Cir. 1994) (per curiam) (citations omitted). This rule "prohibits *pro se* plaintiffs from pursuing claims on behalf of others in a representative capacity." *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664 (9th Cir. 2008); *see also C.E. Pope Equity*

1 *Trust v. United States*, 818 F.2d 696, 697 (9<sup>th</sup> Cir. 1987) (trustee may not appear *pro se* because  
2 he is not the person who by substantive law has the right sought to be enforced).

3 As Judge Hicks noted in *HDR Insurance Managers, LLC v. Summit Insurance Services,*  
4 *Inc.*, No. 2:09-cv-0380-LRH-GWF (D. Nev. 2011),

5 It is well recognized that a corporation may only appear in federal  
6 court through licensed counsel. See e.g., *Rowland v. California*  
7 *Mens Colony, Unit II Mens' Advisory Council*, 506 U.S. 194, 200-  
201 (1983); *In re Highley*, 459 F.3d 554, 555 (9<sup>th</sup> Cir. 1972).

8 **IT IS HEREBY ORDERED** that Plaintiff No. 8 Mine, LLC, shall file a substitution of  
9 counsel within **thirty (30) days** of this order, i.e., on or before **Monday, March 8, 2021**. No. 8  
10 Mine, LLC, should be aware that if it fails to timely secure replacement counsel, its participation  
11 in this case may be terminated.

12 **IT IS FURTHER ORDERED** that a copy of this order and all documents filed until  
13 Plaintiff No. 8 Mine, LLC, obtains counsel shall be served on Plaintiff No. 8 Mine, LLC, and  
14 Counter Defendant/Third Party Defendant David Tackett, via regular mail at the following  
15 addresses:

16 No. 8 Mine, LLC  
17 2711 E. Lakin Drive, #2  
Flagstaff, AZ 86004

18 David Tackett  
19 2711 E. Lakin Drive, #2  
Flagstaff, AZ 86004

20 DATED: February 3, 2021.

21 

22 William G. Cobb  
23 United States Magistrate Judge